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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Robert Kenneth Deatherage,

10 Petitioner,

11 v.

12 USA,

13 Respondent.
14

No. CV-17-01587-PHX-GMS

ORDER

15 Pending before the Court are Petitioner's Motion to Vacate, Set Aside or Correct
16 Sentence (2255) and United States Magistrate Judge John Z. Boyle's Report and
17 Recommendation ("R&R"). Docs. 1, 16. The R&R recommends that the Court deny the
18 motion. Doc. 16 at 10. The Magistrate Judge advised the parties that they had fourteen
19 days to file objections to the R&R and that failure to file timely objections could be
20 considered a waiver of the right to obtain review of the R&R. *Id.* at 11 (citing 28
21 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72); *United States v. Reyna-Tapia*, 328 F.3d 1114,
22 1121 (9th Cir. 2003)).

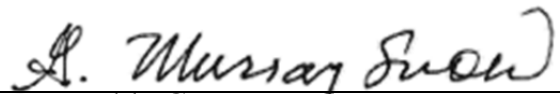
23 The parties did not file objections, which relieves the Court of its obligation to
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
25 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
26 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
27 determine de novo any part of the magistrate judge's disposition that has been properly
28 objected to."). The Court will accept the R&R and deny the motion. *See* 28 U.S.C.

1 § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in
2 part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3)
3 (“The district judge may accept, reject, or modify the recommended disposition; receive
4 further evidence; or return the matter to the magistrate judge with instructions.”).

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge Boyle’s R&R (Doc. 16) is **ACCEPTED**.
7 2. Petitioner’s Motion to Vacate, Set Aside or Correct Sentence (Doc. 1) is
8 **DENIED**.
9 3. The Clerk of Court shall **TERMINATE** this action.
10 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the
11 event Movant files an appeal, the Court declines to issue a certificate of appealability
12 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
13 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

14 Dated this 26th day of June, 2018.

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16 _____
17 Honorable G. Murray Snow
18 United States District Judge
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